

FILED

May 28 2021

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR-20-0317-07 JSW
Plaintiff,)	
v.)	DETENTION ORDER
CHRISTIAN CERVANTES,)	
Defendant.)	

DETENTION ORDER
CR 20-0317-07 JSW

1 On September 28, 2020, the defendant, Christian Cervantes, was produced on a writ before this
2 Court, from the custody of the California Department of Corrections and Rehabilitation. At the time, the
3 defendant was serving a state prison sentence for an unrelated matter. The defendant's state prison
4 sentence has now expired, and on May 14, 2021, the defendant moved this Court for temporary release
5 in order to visit with his father. The defendant appeared by Zoom video teleconference from Santa Rita
6 Jail and was in custody at the time of the hearing. The defendant was represented by appointed counsel
7 Adam Pennella. Assistant United States Attorney Samantha Bennett appeared for the government. The
8 government moved for detention and opposed the defendant's motion for temporary release. The
9 Pretrial Services Agency believed that the defendant posed a risk of non-appearance, which could be
10 mitigated by release conditions, but that no condition or combination of conditions could mitigate the
11 danger the defendant posed to the community. Accordingly the Pretrial Services agency recommended
12 the defendant be detained pending trial.

13 Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on
14 the record, the Court finds by a preponderance of the evidence that no condition or combination of
15 conditions will reasonably ensure the defendant's appearance at future proceedings, and by clear and
16 convincing evidence that the defendant presents a danger to the community that cannot be mitigated
17 by release conditions. Accordingly, the defendant is ordered detained pending trial, and the
18 defendant's request for temporary release is denied.

19 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

- 20 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
21 confinement in a corrections facility;
- 22 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
23 and
- 24 3. On order of a court of the United States or on request of an attorney for the government,
25 the person in charge of the corrections facility in which the defendant is confined shall deliver the
26 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
27 court proceeding.
- 28

1 IT SO ORDERED.
2 DATED: May 28, 2021



HON. KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE